

ARGENTINA PROJECT (S200000044)

J.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

☒ Release ☐ Evince ☐ Deny

Exemption(s):

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Date ☐ Declassify on ☐ Reason

1030 a.m. 7/10

Wednesday, July 10, 1979

PD - You may want to look at this, which was completed only last night, before Mr. Borglund arrives.

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Current Human Rights Situation in Argentina

(U) Following is a summary description of key human rights developments since the Task Force completed its assessment in early February:

Disappearances

■ We have received reports of seventeen disappearances for the period since February 1. We immediately communicated these reports to high GOA authorities with requests for information on the whereabouts of the persons. The GOA has provided us with information that three of the persons were arrested and charged in the courts. One person was briefly detained and then released. The GOA has been unable to provide information on the thirteen other cases. In three cases, however, the disappeared persons have contacted relatives by letter or telephone call to advise that they were well and would eventually reappear. The last disappearance took place May 13. A list of unresolved disappearances, including those three, is attached.

■ The victims of these abductions/disappearances have no known connection with terrorist groups. Some, such as members of the Socialist Workers' Party, and the Argentine Communist Party-associated Relatives of Disappeared and Detained Persons, are related to the nonviolent political left.

■ This record since February compares to previous years when disappearances averaged about 55 per month in 1978, 180 per month in 1977, and 300 per month in 1976. In mid-May 1979 the Argentine Permanent Assembly for Human Rights published a list of 5,465 disappearances since 1975; in the month following publication, the Assembly received reports of an additional 105 previously unreported cases. An earlier Assembly report contained 80 1978 disappearances unknown to the Embassy, and one from 1979.

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Accounting for the Disappeared

█ The GOA has not yet taken any public step to account for the disappeared. The Government has addressed the broad issue internally and is seeking solutions to specific aspects of the problem, such as shortening the period for legal presumption of death. There are also indications that it is seeking to establish what documentary evidence exists throughout the security apparatus.

█ Foreign Minister Pastor briefed EC-9 ambassadors in Buenos Aires recently on the terms of new legislation and said that relatives will be able to petition the Government for assistance and information three months after the occurrence of a disappearance. The Government will have three months to establish the whereabouts of the missing person and, if no information is developed, relatives will be able to claim survivors' benefits and regularize their legal status. Although he did not supply details, Pastor said relatives will be able to claim indemnization.

█ General Viola reiterated to Ambassador Castro on June 25 that the GOA does not have information on the fate of the disappeared and in view of the extended periods of disappearance he doubted any of these people were alive. He said a few of the disappeared may reappear, but these would be rare exceptions. In a public speech delivered on Army Day (May 29) Viola referred obliquely to the fate of the disappeared, calling them "those who will be absent forever." Argentine human rights groups have interpreted this tacit statement as an admission that many of the disappeared were killed by Argentine police and military forces.

█ The Embassy concluded in its latest trends report (May 31) that "we are reasonably certain that the apparatus for disappearing people still exists although, even considering a small upsurge of disappearances in the past several weeks, it appears less used than in the past."

PEN Prisoners

█ The GOA has continued to release detainees from PEN. The Embassy estimated in mid-June that the political prisoner population in this category is now at about 2,200. The GOA announced this week that there are now 1,723 PEN prisoners. At the end of 1978, this figure stood at about 2,900 and at the beginning of

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The Embassy and ICRC current prison population estimate the total because of one of persons confined because of the GOA's counter-subversion campaign at first under 3000.

1978 at about 3,500. It is not clear how many of those removed from PEN are at liberty and how many remain in custody under some form of charges in judicial processes, or after having been convicted by either military or civilian tribunals. We have been told by a source on President Videla's staff that the GOA will continue to review the status of PEN detainees and plans to have the number down to 800 to 1,000 by the end of this year; these prisoners would continue to be held indefinitely under PEN since the "Campora amnesty" of 1973 makes it impossible to prosecute them. Other high-level Argentine officials have said that a certain number of persons will continue under PEN since the GOA considers them committed subversives although it lacks evidence that will stand up in court.

Foreign Minister Pastor said the GOA has augmented its legal staff reviewing PEN detention from four to 30.

Right of Option

Argentine Government action on the right of option program continues at a slow pace. The GOA has given permission for 18 detainees to travel to the U.S. under the right of option program, although the Embassy has issued 95 certificates of eligibility. General Viola assured Ambassador Castro again that approval of right of option cases would proceed more quickly.

Prison Conditions

The GOA has published uniform regulations for the treatment of detainees in a move designed to end variations in treatment at different facilities. The ICRC urged this step and has called the rules a significant improvement for the treatment of detainees. We have reports, however, that the regulations have not yet been fully implemented in all facilities. The GOA has consolidated PEN detainees in six facilities.

According to reports reaching ICRC officials from other prisoners in February one person disappeared from prison, another was tortured, and a third died as a result of beatings by guards. In early May, the Permanent Assembly for Human Rights reported that some of the 200 prisoners moved from Resistencia prison to the La Plata prison were beaten and robbed during the transfer.

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The Judiciary

(U) As the NYC Bar mission noted in its report, the executive power continues to decline to provide information in response to habeas corpus petitions filed by the relatives of disappeared persons. Regarding PEN detainees, the Executive response is that "links with subversives" constitute sufficient grounds for continued detention, invoking its alleged power under the Constitutional state of seige authority. The NYC Bar mission report was sharply critical of the lack of professional objection to the denial of due process and deterioration in the independence of the judiciary in recent years.

(U) The courts have recently tried a number of persons on pre-1976 subversive charges and sentenced them to prison terms. Three police officers were recently prosecuted for abuse of prisoners.

Argentine Attitudes Toward the Human Rights Issue

President Videla and Army Commander Viola are maintaining their leadership position within the GOA on human rights policy and appear to have begun carrying out commitments made to us repeatedly in the past to bring disappearances to an end and reduce PEN detention. Hardliners in the Argentine military still favor repressive policies directed at a broad range of political dissidents. Army Chief of Staff General Suarez Mason, for example, recently proposed to the Cabinet a broad offensive against political subversives which clearly would include groups unrelated to the terrorist movements of the past. General Menendez, Third Corps Commander, has called for continued strong efforts to battle "ideological subversion."

(U) The prestigious daily La Prensa has joined the The Buenos Aires Herald in championing human rights. The Catholic church addressed an appeal to President Videla on May 4 on behalf of disappeared persons, PEN detainees, jailed labor leaders, and lower income groups adversely affected by present GOA economic policy.

(U) The New York Bar Association's report on human rights conditions in Argentina noted that ingredients are present for future progress in human rights observance,

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but that the support of the Argentine legal profession is essential for a quick return to civilized legal practices. The New York Bar Association exhorted its Argentine colleagues to take a more active role in this area.

Attachment:

List of Unresolved Disappearances.

Drafted: HA/HR: PJ Flood ; ARA/ECA: C BRAYSHAW JULY 9, 1979
Clearances: HA/HR: C B Salinas, Jr.
IAA: M L Schneider
ARA/ECA: C W RUSER

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